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Counsel for Landlord

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

FOUNDRY CLUB, LLC,

Debtor.

Chapter 11

Case No. 18-32177

**APPLICATION FOR ORDER SHORTENING TIME AND SETTING
EXPEDITED HEARING ON MOTION TO COMPEL ASSUMPTION OR REJECTION
OF LEASE AGREEMENT**

1. Creditor CPUS Mockingbird, LP (“Landlord”) hereby requests that an expedited hearing be set on Landlord’s Motion to Compel Assumption or Rejection of Lease Agreement (the “Motion”) not later than August 30, 2018. Holding the hearing by such date is necessary because:
 - a. Landlord leases to Debtor certain premises located at 5307 E. Mockingbird Lane, Suites 120 and 500, Dallas, Texas 75206;
 - b. Debtor failed to tender payments for rent and other expenses for the months of June and July, which came due just prior to the filing of this case, and which remain unpaid;
 - c. Debtor failed to tender payment for rent and other expenses for the month of August as required by 11 U.S.C. § 365(d)(3);
 - d. Debtor’s obligations for September will come due on September 1, 2018.

- e. Debtor and numerous licensees and/or subtenants are currently occupying the premises rent free;
 - f. Debtor's only apparent source of income is the license fees and/or rent paid by said licensees and/or subtenants;
 - g. Debtor has failed to provide Landlord or the Court with any accounting for the income currently being generated by the licensees and/or subtenants;
 - h. Debtor has failed to provide Landlord any form of adequate protection;
 - i. Landlord will suffer damages in the form of a commission payment coming due on September 1, 2018, which Landlord would be unable to mitigate should Debtor be permitted to delay its decision to assume or reject and then later reject; and
 - j. A separate matter in this case is already set for hearing on August 30, 2018.
2. Notice of the proposed expedited hearing will be provided to:
- a. Debtor by overnight mail;
 - b. Debtor's counsel by email;
 - c. The United States Trustee by email;
 - d. Counsel for creditor Interbank by email; and
 - e. Counsel for creditor Camino Global Foundation by email;
- and will be sufficient because parties in interest will still have over two weeks to respond to the Motion and Debtor's counsel has already been informed via email that Landlord would be seeking this relief.
3. A hearing was not requested earlier because Debtor's counsel had previously represented to Landlord that Debtor had sufficient funds to pay August rent pending an attempt to effect a sale of the business as a going concern, and that same would be paid by the week of August 6. That did not happen. Though Landlord was willing to cooperate with Debtor, Landlord

can no longer wait to exercise its rights and let a fourth month's rent become past due. Landlord's counsel has reached out to Debtor's counsel to consent to having the Motion heard on an expedited basis or to reach a consensual resolution, but said counsel is currently out of office and has not been responsive to messages left by email Monday and over the weekend, or with his secretary Monday. Thus, Landlord respectfully requests a hearing be set on or before August 30, 2018 and that notice be shortened accordingly.

Respectfully submitted,

DORSEY & WHITNEY LLP

/s/ J. Brian Vanderwoude

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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

Eric A. Liepins eric@ealpc.com, martha@ealpc.com;r56883@notify.bestcase.com
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In addition, I hereby certify that on August 15, 2018, a copy of the foregoing was served upon the following parties by regular U.S. mail at the addresses listed.

Foundry Club, LLC, 5307 E Mockingbird Lane Suite 500, Dallas, TX 75206

/s/ J. Brian Vanderwoude

J. Brian Vanderwoude